

Message Text

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E.O. 11652: N/A
TAGS: PINS, FR
SUBJECT: PARTIAL ANNULMENT OF MUNICIPAL ELECTIONS IN NICE

REF: NICE 145 OF 3/25/77

1. SUMMARY - ON JUNE 17,1977, THE ADMINISTRATIVE TRIBUNAL OF NICE,
AT THE REQUEST OF SEVERAL SOCIALIST AND COMMUNIST PARTY OFFICIALS,
DECLARED NUL-AND-VOID THE MUNICIPAL ELECTION OF MARCH 20, 1977
IN THE THIRD SECTION OF THE CITY OF NICE. THE SAME TRIBUNAL,
HOWEVER, IN SPITE OF THE INSISTANCE OF THE OPPOSITION TO CANCEL
ELECTION RESULTS IN THE TWO OTHER SECTIONS OF THE CITY REJECTED
THESE PLEAS. THE MUNICIPAL COUNCILLORS IN THE THIRD SECTOR,
WHOSE ELECTION HAS THUS BEEN VOIDED, HAVE THE POSSIBILITY OF LODGING
AN APPEAL AGAINST THE DECISION WITH THE COUNCIL OF STATE (CONSEIL
D ETAT). END SUMMARY.

2. IN CANCELLING THE MARCH 20TH MUNICIPAL ELECTIONS IN THE THIRD
SECTOR OF THE CITY OF NICE ON JUNE 17,1977, THE ADMINISTRATIVE
TRIBUNAL FOLLOWED THE RECOMMENDATIONS OF ITS GOVERNMENTAL
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COMMISSION. THE COMMISSION, FOLLOWING AN EXHAUSTIVE INVESTIGATION,
FOUND THAT A DEROGATORY TRACT, WHICH WAS WIDELY DISSEMINATED IN THE
THIRD SECTION OF THE CITY IMMEDIATELY PRECEEDING THE MUNICIPAL
ELECTION, WAS WRITTEN IN SUCH A MANNER AS TO HAVE BEEN UNDULY
PREJUDICIAL TOWARDS VIRGILE PASQUETTI (PCF), HEAD OF THE COMMON
PROGRAM LIST OF THAT CITY SECTION. THE DISTRIBUTION OF THE
TRACT, IN THE OPINION OF THE TRIBUNAL, WAS OF SUFFICIENT IMPORTANCE

TO CONSTITUTE QUOTE A MANOEUVRE WHICH HAD AS ITS PURPOSE THE FALSIFICATION OF THE ELECTION RESULTS. UNQUOTE. IN REACHING THEIR DECISION, THE TRIBUNAL NOTED THE TIMING OF THE DISTRIBUTION (IMMEDIATELY PRIOR TO ELECTION DAY), AS WELL AS THE CLOSENESS OF THE RACE BETWEEN THE TWO MAJOR CANDIDATES. SEVERAL OTHER COMPLAINTS LODGED WITH THE TRIBUNAL BY THE LEFT WERE REJECTED.

3. THE MUNICIPAL COUNCILLORS THUS AFFECTED BY THE TRIBUNAL'S DECISION, HAVE ONE MONTH IN WHICH TO APPEAL THE DECISION WITH THE COUNCIL OF STATE. SHOULD THEY CHOOSE NOT TO APPEAL, NEW ELECTIONS WILL TAKE PLACE TWO MONTHS FROM THE DATE THE JUDGMENT WAS RENDERED. IF AN APPEAL IS LODGED WITH THE COUNCIL OF STATE, THE DELAY OF TWO MONTHS PRIOR TO A NEW ELECTION BEGINS FROM THE DATE OF THE COUNCIL'S DECISION-SHOULD THEY UPHOLD THE ADMINISTRATIVE TRIBUNAL'S DECISION. THE COUNCIL OF STATE HAS SIX MONTHS IN WHICH TO ACT ON A CASE BROUGHT BEFORE IT.

4. IN COMMENTING ON THE PARTIAL ANNULMENT OF THE MUNICIPAL ELECTION, THE MAYOR OF NICE, JACQUES MEDECIN, ISSUED THE FOLLOWING DECLARATION: QUOTE THIS DECISION SEEMS MOST DEBATABLE TO ME ESPECIALLY BECAUSE IT APPEARS TO CONFIRM THE DIVISION OF THE CITY OF NICE INTO SEPARATE ENTITIES AND THE MUNICIPAL COUNCIL INTO THREE DIFFERENT CATEGORIES OF ELECTED OFFICIALS. I DO NOT BELIEVE THAT THIS WAS THE ESSENTIAL POINT OF THE NEW LAW OF SECTORISATION.

AS I WAS ELECTED IN THE SECOND SECTOR OF THE CITY AND THUS HAVE UNCLASSIFIED

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AVOIDED THE JUDGMENT OF INVALIDATION, I FEEL TOTAL SOLIDARITY TOGETHER WITH MY COLLEAGUES.

I OBJECT THE FACT THAT AN ANONYMOUS TRACT DISTRIBUTED BY PEOPLE UNKNOWN TO ME JUSTIFY THE ANNULMENT OF THE ELECTION.

THE AUTOMATIC APPLICATION OF THIS JUDGMENT WILL CERTAINLY BRING ABOUT A REPETITION OF THE ACTS AND IN THE FUTURE IT WILL BE SUFFICIENT TO DISTRIBUTE DEROGATORY TRACTS AT THE LAST MINUTE TO PERMIT THE LOOSERS TO CANCEL THE ELECTION OF THEIR OPPONENTS. WE CAN IMAGINE TO WHERE THIS PRACTICE WILL LEAD US.

I PLACE MY CONFIDENCE IN THE COUNCIL OF STATE AND WITH THE AGREEMENT OF MY COLLEAGUES, APPEAL THE DECISION TO THE COUNCIL OF STATE. UNQUOTE.

MURPHY

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